

**APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION**

Regular Meeting
York Hall
February 13, 2002
7:00 PM

MEMBERS

Spencer W. Semmes, Chair
Andrew A. Simasek, Vice Chair
Robert E. Beil, Jr.
Robert D. Heavner
Michael H. Hendricks
Alfred E. Ptasznik, Jr.
Ann F. White

CALL TO ORDER

Chair Spencer Semmes called the regular meeting of the Planning Commission to order at 7:00 p.m.

The roll was called and all members were present. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Michael S. King and Olivia D. Wilkinson.

REMARKS

Mr. Semmes explained the legal mandate of the Planning Commission, its composition of citizen volunteers, and its mission as an advisory body to the Board of Supervisors for land use issues.

APPROVAL OF MINUTES

Upon motion of Ms. White, the minutes of the regular meeting of January 9, 2001 were adopted unanimously by roll call vote.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. ZM-65-02, W. H. Bowditch, Jr.: Request to amend the York County Zoning Map by reclassifying an approximately 5.2-acre parcel located at 2430 George Washington Memorial Highway at the northeast quadrant of the intersection of Victory Boulevard (Route 171) and Route 17, further identified as Assessor's Parcel No. 37-43, from conditional GB (General Business) to GB without conditions. The property owner seeks to delete a condition, voluntarily proffered as part of a conditional rezoning application approved in 1988, that limited the use of the property to a new and used automobile dealership. The Comprehensive Plan designates this area for General Business development.

Ms. Olivia Wilkinson presented a summary of the staff memorandum to the Commission dated January 29, 2002 in which the staff recommended approval.

The Chair opened the public hearing.

Conway Shield, Esq., Jones Blechman Woltz & Kelly, P.C., Newport News, Virginia, representing the applicant, stated that he was present to answer questions. There being no questions or others to speak to the application, Chair Semmes closed the public hearing.

Mr. Hendricks moved to adopt Resolution PC02-9.

PC02-9

On motion of Mr. Hendricks, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZM-65-02 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING THE PROPERTY LOCATED AT 2430 GEORGE WASHINGTON MEMORIAL HIGHWAY AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF VICTORY BOULEVARD (ROUTE 171) AND ROUTE 17 FROM CONDITIONAL GB TO GB WITHOUT CONDITIONS

WHEREAS, W. H. Bowditch, Jr. has submitted Application No. ZM-65-02, which requests the removal of an existing proffered condition limiting the parcel's use to a new and used automobile dealership by reclassifying an approximately 5.2-acre parcel from conditional GB (General Business) to GB without conditions. The property is located at 2430 George Washington Memorial Highway and is further identified as Assessor's Parcel No. 37-43; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of February, 2002, that Application No. ZM-65-02 be, and it is hereby, transmitted to the Board of Supervisors with a recommendation of approval to reclassify an approximately 5.2-acre parcel located at 2430 George Washington Memorial Highway at the northeast quadrant of Victory Boulevard (Route 171) and Route 17 and further identified as Assessor's Parcel No. 37-43 from conditional GB (General Business) to GB without conditions.

Application No. UP-592-02, Hubbard Pet Cremation, Inc: Request for a Special Use Permit, pursuant to Section 306 (category 7, number 3) of the York County Zoning Ordinance, to authorize a pet crematorium within an existing building located at 201 Production Drive (Route 799) approximately 1,700 feet west of the intersection of Production Drive and George Washington Memorial Highway (Route 17). The property is zoned IL (Limited Industrial) and is designated for Limited Industrial uses in the Comprehensive Plan.

Mr. Tim Cross made a presentation including a summary of the staff memorandum dated January 24, 2002 that recommended approval.

Mr. Ptasznik inquired if the high temperatures required to operate the crematorium would affect a battery exchange operation in close proximity to the proposed crematorium. Mr. Cross explained that the applicant, because he owns both of those businesses, would not be expected to risk any negative outcome by having them too close to one another.

Mr. Heavner asked why the applicant wants to move the business, and Mr. Cross explained that the businesses currently operate out of leased spaces and when the subject property became available the applicant determined it to be a good location for the operation of both businesses.

Chair Semmes opened the public hearing. There being no one to speak, he closed the hearing.

Ms. White moved the adoption of Resolution PC2-8.

PC02-8

On motion of Ms. White, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE A PET CREMATORIUM IN THE BETHEL INDUSTRIAL PARK

WHEREAS, Hubbard Pet Cremation, Inc. has submitted Application No. UP-592-02 requesting a Special Use Permit to authorize the establishment of a pet crematorium on a parcel of land located at 201 Production Drive (Route 799) and further identified as Assessor's Parcel No. 37B-2-28; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of February, 2002, that Application No. UP-592-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a pet crematorium on a parcel of land located at 201 Production Drive (Route 799) and further identified as Assessor's Parcel No. 37B-2-28.
2. Operation of the crematorium shall be contingent upon the issuance by the Virginia Department of Environmental Quality (DEQ) of the necessary air emissions permit(s). Prior to the commencement of the operation of the crematorium, the applicant shall provide the Zoning Administrator with a copy of said permit(s), or some other evidence that said permit(s) has been obtained, to be kept on file with this resolution. Failure to secure such a permit within two years of the adoption of this resolution, or revocation of said permit by the DEQ for any reason, shall result in the automatic and immediate revocation of this use permit.
3. Operation of the crematorium shall be conducted so as not to produce hazardous, objectionable, or offensive conditions at or beyond property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid and liquid wastes, fire, or explosion.
4. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

NEW BUSINESS

Mr. Cross asked the Commissioners to consider the draft Capital Improvements Program (CIP) for the period FY2003-2008 for consistency with the Comprehensive Plan. He added that it is no different from the CIP that the Commission endorsed last year with the exception of one or two new projects, which are in conformance with the Comprehensive Plan.

Mr. Hendricks complimented the staff on the organization of the staff report and said it was very easy to understand the categories of proposed capital improvements. Mr. Semmes agreed. Mr. Hendricks moved the adoption of Resolution PC02-10 to certify the draft Capital Improvements Program.

PC02-10

On motion of Mr. Hendricks, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO CERTIFY CONFORMANCE OF THE PROPOSED YORK COUNTY CAPITAL IMPROVEMENTS PROGRAM FOR FY 2003-2008 WITH THE YORK COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 15.2-2232 of the Code of Virginia requires public facilities to be substantially in accord with the local comprehensive plan; and

WHEREAS, pursuant to Charting the Course to 2015: The County of York Comprehensive Plan, the York County Planning Commission has been requested to review the Capital Improvements Program for conformance with the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of February 2002, that it does hereby certify the York County, Virginia Proposed Capital Improvements Program for Fiscal Years 2003-2008 as being in conformance with Charting the Course to 2015: The County of York Comprehensive Plan.

Mr. Semmes called for a vote on proposed Resolution PC02-11. Mrs. White moved its adoption.

PC02-11

On motion of Ms. White, which carried 7:0, the following resolution was adopted:

A RESOLUTION OF APPRECIATION TO MICHAEL S. KING, AICP

WHEREAS, Michael S. King, AICP, joined the York County Planning Division in December 1995 as a Planner I and was later promoted to Planner II, serving in that capacity through February 2002; and

WHEREAS, Mr. King provided valuable staff support and technical advice to the York County Planning Commission, consistently demonstrating the highest standards of professionalism in planning; and

WHEREAS, during his tenure Mr. King participated in the update of the Comprehensive Plan, Charting the Course to 2015, the initiation of a comprehensive revision of the Zoning Ordinance, and many other projects that will have a positive impact on development in the County and the quality of life of its citizens; and

WHEREAS, in his service to the Commission, Mr. King displayed an unwavering commitment to achieving a harmonious relationship among the natural environment, the built environment, and those who inhabit them; and

WHEREAS, Mr. King has accepted a position with another locality and thus has resigned his position with York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 13th day of February, 2002, that it does hereby acknowledge and sincerely thank Michael S. King, AICP, for his years of service to the Commission and to the citizens of York County, and expresses its best wishes to Mr. King in his new position and in all future endeavors.

Mr. Semmes then formally presented this resolution to Mr. King, who has accepted another position and is leaving York County employment. Mr. King thanked the Commission and staff for a pleasant and professional working relationship.

STAFF REPORTS

Mr. Carter reminded the members of a Location and Design public hearing on the Route 17 widening project to be sponsored by the Virginia Department of Transportation on February 21.

Mr. Carter said the County currently is constructing a new shell building at York River Commerce Park.

Mr. Carter brought the members up to date on construction along the York River waterfront, and asked if he might arrange a briefing on Yorktown projects at the March 13th meeting. The Commission agreed to add such a briefing to the March agenda. Ms. White noted the importance to the County of the proposed Fort Eustis Boulevard extension and suggested a Commission briefing by a representative of the Office of Economic Development on proposed business development in the area of the widening. Mr. Carter agreed to arrange such a briefing.

RECENT ACTIONS

Mr. Carter reported on recent actions by the Board of Supervisors.

COMMITTEE REPORTS

Mr. Simasek reported on the Yorktown Design Guidelines Study Committee and said the group needs to meet several more times before a revised draft design guidelines will be ready for the Commission's review.

COMMISSION REPORTS AND REQUESTS

Chair Semmes inquired if any informational meeting is scheduled between the Board of Supervisors and the Planning Commission. Mr. Carter said he had spoken with the County Administrator about such a meeting, and he believes the County Administrator will arrange a meeting but perhaps not until after the budget is adopted. He added that the Board hopes to meet annually with the Commission.

FUTURE BUSINESS

Mr. Carter briefed the members on future business and public hearings for the Commission.

ADJOURNMENT

Chair Semmes called adjournment at 7:33 PM.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Spencer W. Semmes, Chair

DATE: March 13, 2002